

#17/E

Serial No. 08/911,423
Art Unit 1644

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DETAILED ACTION

1. Claims 1-22 were originally presented.
2. Claims 23-43 were added in the amendment filed 3/18/99 (Paper No. 11).
3. Claims 10, 27 and 38 were cancelled in the amendment filed 6/29/99 (Paper No. 14).
4. Claims 44-50 were added in Paper No. 14.
5. Claims 47 and 48 were cancelled in the amendment filed 9/3/99, Paper No. 16.
6. Claims 51-56 were added in Paper No. 16.
7. Non-elected claims 1-8, 13-16, 21 and 22 were cancelled in the Examiner's amendment attached hereto, Paper No. 19.
8. Claim 39 was cancelled without prejudice in paper No. 19
9. Claims 9, 11, 12, 17-20, 23-26, 28-37, 40-46, and 49-56 are pending.

EXAMINER'S AMENDMENT

10. An extension of time under 37 C.F.R. 1.136(a) is required in order to make an Examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on September 29, 1999, Mr. Gerald P. Keleher requested an extension of time for 1 MONTH(S) and authorized the Commissioner to charge Deposit Account No. 04-1239 the required fee of \$110.00 for this extension and authorized the following Examiner's amendment. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

11. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

12. Authorization for this Examiner's amendment was given in a telephone interview with Mr. Gerald P. Keleher on September 10, 1999.

13. The application has been amended as follows:

In the Claims:

14. Non-elected claims 1-8, 13-16, 21 and 22, have been cancelled without prejudice.
15. Claim 39 has been cancelled without prejudice.

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16. In claim 9b)ii), --12 contiguous amino acids of-- has been inserted prior to "SEQ ID NO:".
17. In claim 31, --a-- has been inserted after "comprising".
18. In claim 31, "from" has been deleted and --of-- has been inserted thereto.
19. In claim 46, in line 1, "is" has been deleted.
20. In claim 50, in line 3, --a-- has been inserted prior to "polynucleotide".
21. In claim 53, --wherein the isolated polynucleotide is--, has been insert after "claim 9".
22. In claim 55, --contiguous-- has been inserted prior to "amino acid residues".

Note: A copy of the "Index of Claims" from the front file jacket of the application is attached to inform Applicants of the changes to the order of the claims.

REASONS FOR ALLOWANCE

23. The following is an Examiner's statement of reasons for allowance:
24. Matoba, et al, (*Gene* 146(2):199-207, 1994) teach an isolated polynucleotide sequence 98 bp in length with a sequence identity of 79.6% over its entire length with SEQ ID NO: 3 and (*WO 96/15272*) teaches an isolated purified polynucleotide sequence 52 bp in length with a sequence identity of 96.3% (SEQ ID NO: 73) over its entire length with SEQ ID NO: 3 of the instant application. However, both sequences are not located in the coding region of SEQ ID NO: 3, and thus do not teach the claimed invention. Additionally, Kwon (*WO 9507984*) teaches cDNA (isolated and recombinant polynucleotide) which encodes 269 amino acid which is expressed in T lymphocytes and encodes an 8 amino acid antigenic epitope of SEQ ID NO: 2, however, does not teach the claimed invention of an antigenic epitope of SEQ ID NO: 2 of 12 or more contiguous amino acids.
25. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

26. Papers related to this application may be submitted to Group 1640 by facsimile transmission. Papers should be faxed to Group 1640 via the PTO Fax Center located

in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). THE CM1 FAX CENTER TELEPHONE NUMBER IS (703) 305-3014 or (703) 308-4242.

26. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mary Tung whose telephone number is (703)308-9344. The Examiner can normally be reached Monday through Friday from 8:30 am to 5:30 pm. A message may be left on the Examiner's voice mail service. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1640 receptionist whose telephone number is (703) 308-0196.

Mary B Tung
October 1, 1999
Mary B. Tung, Ph.D.
Patent Examiner
Group 1640

David A. Saunders
DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT 182/647